



1074134



American  
Public Health  
Association

800 I Street, N.W. • Washington, DC 20001-3710  
Phone: (202) 777-APHA • Fax: (202) 777-2534  
www.apha.org • comments@apha.org

---

*Protect, Prevent, Live Well*

June 3, 2008

The Honorable John Dingell  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Dingell:

On behalf of the American Public Health Association (APHA), I write in support of legislation to ban asbestos-containing products and to support research into treatment of individuals with asbestos-related diseases.

APHA is the oldest and most diverse organization of public health professionals in the world, dedicated to protecting all Americans, their families and their communities from preventable, serious health threats and assuring community-based health promotion and disease prevention activities and preventive health services are universally accessible in the United States.

Currently, more than 40 countries have already banned asbestos, most recently South Africa and Korea. APHA urges Congress to ban this deadly substance as soon as possible, and no later than six months after any legislation is enacted. The World Health Organization, the International Labor Organization, the U.S. Environmental Protection Agency and other public health organizations have designated asbestos a "known human carcinogen" with no safe exposure level. The tragic consequences of the use of asbestos are well-documented with asbestos diseases claiming at least 10,000 lives per year in the United States.

Any exemptions from an asbestos ban contained in legislation must be strictly limited. Companies seeking to avoid the ban must be required to demonstrate that there is no alternative to their asbestos-containing product and that an exception to the ban will not cause any risk of injury to health or the environment.

While we are pleased with the strong public health protections contained in the Committee Print, we are opposed to a provision in the Senate-passed bill, S. 742, which would allow for the import, manufacture and sale of products containing 1% asbestos. Such a provision is not protective of human health and is not a step forward in preventing disease. Authorizing 1% asbestos in products is a step back of more than 30 years to a time that asbestos alternatives and laboratory analytical techniques were less well developed. Unfortunately, the Senate bill contains this troubling provision and we urge you to reject efforts to include a similar provision in your proposal. As we have worked to discover effective alternatives and to refine detection techniques, we have also learned more about the dangers of exposure to low-levels of asbestos.

Products with less than 1% asbestos have been shown to cause significant levels of exposure, whether the asbestos is deliberately added during manufacture, or as a result of using contaminated supply materials. Studies and research have shown that people exposed to asbestos-contaminated vermiculite, talc, and taconite have developed asbestos-related diseases and have died from mesothelioma. In some parts of this country, stone, sand and gravel used as surfacing for schoolyards, home sites and roadbed is contaminated with asbestos. Any ban on asbestos must address these exposure problems.

The Committee Print includes a renewable, statutory exemption for asbestos use in diaphragm cell chlor-alkali plants. This exemption should be subject to a sunset provision. The asbestos diaphragm technology is more than a century old, newer technologies are readily available. Caustic soda from asbestos diaphragm cell plants may have asbestos concentrations of billions of fibers per liter. Another concern is mercury contamination in caustic soda from mercury cell chlor-alkali plants. Caustic soda from these plants may have several parts per million of mercury. Therefore, we urge a prohibition on the sale of caustic soda from chlor-alkali plants using asbestos diaphragm or mercury cell technology for food preparation and water treatment. Caustic soda for such applications should be required to come exclusively from the more modern membrane cell chlor-alkali plants or diaphragm-cell plants using non-asbestos diaphragms.

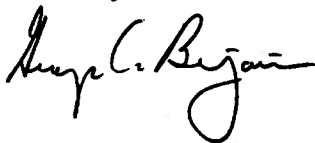
A Congressional ban on asbestos-containing products should not pre-empt stricter federal and state laws regarding asbestos. Nor should it serve to influence or otherwise affect civil actions related to liability for asbestos use and exposures. As part of the statutory ban, Congress should require that EPA carry out a public education program that will alert the public to the dangers of asbestos, with priority given to groups in the general population that are at greatest risk. In view of the terrible consequences that can follow from exposure to asbestos, violations of the ban should be punishable as felonies and not just as misdemeanors.

We also ask that any legislation considered by the House include provisions directing the National Institute for Occupational Safety and Health (NIOSH) to work with other federal agencies to evaluate the health effects of exposure to minerals and elongated mineral particles suspected of causing asbestos disease. NIOSH has been studying asbestos for decades and has the most expertise in this area. APHA supports these provisions and believes it is critical that NIOSH lead this important public health research.

We also strongly support the funding for research and treatment of mesothelioma and other asbestos diseases provided in the Senate bill.

Thank you for your attention to our comments. Please feel free to contact Don Hoppert on my staff at [donald.hoppert@apha.org](mailto:donald.hoppert@apha.org) or 202-777-2514 if we can be of assistance as you move forward with your work on this important public health legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Georges C. Benjamin". The signature is fluid and cursive, with the first name "Georges" being more prominent.

Georges C. Benjamin, MD, FACP, FACEP (Emeritus)  
Executive Director